



COMMISSION ACTIONS AUGUST 2006

The following are the agenda items from the Commission's regular meeting held August 29, 2006 at Commission headquarters. The Commission's actions are in bold. Linked audio files are in the MP3 file format and require an installed media player such as [Windows Media Player](#) or [Real Player](#). Individual MP3 files are relatively large and may take 1 to 10 minutes to download depending on your internet connection. Note also that the audio links frequently begin with up to 10-15 seconds of the previous case; please listen closely to be sure you are hearing the desired item.

1. MINUTES of previous meeting. **The Commission voted, 6-0-2 to approve the minutes. New board members Dr. McConaughy and Mr. Tankard abstained since they did not attend the July meeting.**

2. [PERMITS](#) (Projects over \$50,000 with no objections and with staff recommendation for approval). **The Commission voted, 8-0, to approve the permits with staff recommendations.**

3. CLOSED MEETING FOR CONSULTATION WITH OR BRIEFING BY COUNSEL. **The Commission heard Carl Josephson, the Commission's legal counsel and Assistant Atty. Gen. report on the status of three cases that are currently in circuit court.**

[[Audio Items 1-3](#)]

4. HERON COVE VILLAS HOMEOWNERS ASSOCIATION, #05-2955, requests authorization to remove a 474-foot long by 8-foot wide pier with 31 wetslips and to construct a 700-foot long by 8-foot wide pier with 42 wetslips adjacent to their property situated along Wilton Creek in Middlesex County. The project is protested by nearby property owners. **The Commission voted, 5-3, to approve the permit with the staff recommendation, which was authorization to remove and replace the existing 31-slip facility with a comparably numbered, but slightly larger wet-slip facility with the stipulation that the Association be required to submit an acceptable marina management plan. In essence the Commission denied the request to construct 176 linear feet of new pier with 11 additional slips and the triangular deck proposed at the northern end of the pier. The Commission also assessed a royalty in the amount of \$37,548 for the encroachment over 25,032 square feet of state-owned bottom at the rate of \$1.50 per square foot.** [[Audio Item 4](#)]

5. VIRGINIA INSTITUTE OF MARINE SCIENCE, requests authorization to renew for another five (5) years 507.90 acres in South Bay that was set-aside for seagrass restoration by the Commission at their August 28, 2001, meeting. **The Commission, voted 8-0, to renew for an additional 5 years, a 361.49 acre set-aside in South Bay on the seaside of the Eastern Shore in 2001 for VIMS' seagrass restoration efforts.**

6. VIRGINIA INSTITUTE OF MARINE SCIENCE, requests authorization to set-aside 366.36 more acres of unassigned state bottom adjacent to the existing set-aside area in South Bay, west of Wreck Island in Northampton County for five years. The area will be used for seagrass restoration. **The Commission voted, 8-0, to set-aside an additional 366.36 contiguous acres for a 5-year period. This brings the total set-aside area in South Bay for seagrass restoration to 727.85 acres.**

[[Audio Items 5&6](#)]

7. PUBLIC COMMENTS: **Two persons spoke to the Commission regarding the VMRC's action involving its permit on the King William Reservoir and a request asking the Commission to consider some wording changes that would distinguish eel pots from fishing pots. [Public comments were heard at the end of the meeting. Audio for Item 7 can be heard after Item 14 in the [Audio Items 13, 14, & 7](#) clip.]**

8. SAV UPDATE: **Update on scarring of SAV areas and status of eelgrass beds. The report was present by Dr. Bob Orth from VIMS. [[Audio Item 8](#)]**

9. REQUEST FOR PUBLIC HEARING: Request to exempt licensed pound net fishermen, located in the National Marine Fisheries Service Modified Pound Net Leader Area, from requirements to fish their pound nets or establish a complete system of nets and poles, in order to renew their licenses or maintain their priority rights to such locations in 2007. **The Commission voted, 8-0, to set a public hearing for its September 26th meeting. [[Audio Item 9](#)]**

10. REQUEST FOR PUBLIC HEARING: Request for amendments to Regulation 4 VAC 20-1090-10 et seq., "Pertaining to Licensing Requirements and License Fees." **The Commission voted, 8-0, to set a public hearing for its September 26th meeting.**

11. REQUEST FOR PUBLIC HEARING: Request for amendments to Regulation 4 VAC 20-610-10 et seq., "Pertaining to Commercial Fishing and Mandatory Harvest Reporting." **The Commission voted, 8-0, to set a public hearing for its September 26th meeting.**

12. REQUEST FOR PUBLIC HEARING: Request for public hearing to amend 4 VAC 20-720-10, et. seq., "Pertaining to Restrictions on Oyster Harvest," for the 2006-2007 Public Oyster Harvest Season. **The Commission voted, 8-0, to set a public hearing for its September 26th meeting.**

[[Audio Items 10, 11, & 12](#)]

13. FAILURE TO REPORT HARVEST in accordance with 4 VAC 20-610-10 et seq. **The Commission voted, 8-0, to place watermen Alton Clyde Pruitt, Jr. and Brian Phillip Pruitt on 12-months probation.**

14. REPEAT OFFENDER: **Waterman Charles Forrest was put on 12-months probation and warned that his waterman's card could be revoked if he has another violation within the year-period.**

[[Audio Items 13, 14, & 7](#)]

[PAGE 2 ITEMS](#) (Projects over \$50,000 with no objections and with staff recommendation for approval)

2A. LOUDOUN COUNTY SANITATION AUTHORITY, #06-1201, requests authorization to install 410 linear feet of 8-inch dimensional ratio 11 HDPE Force Main and associated 16-inch dimensional ratio HDPE casing and 50 linear feet of 8-inch PVC Force Main by the directional drill method at a minimum of twenty (20) feet beneath Goose Creek in Loudoun County.

2B. MR. AND MRS. ROBERT WELLS, #05-1036, request authorization to install a series of four (4) offshore stone breakwaters totaling 680 linear feet with suitable sandy beach quality nourishment adjacent to their property along the Chesapeake Bay and mouth of Hungars Creek in

the Vaucluse Shores subdivision of Northampton County. Recommend a royalty of \$68.75 for beach nourishment of 1,375 square feet of state owned subaqueous bottom at \$0.05 per square foot.

2C. CITY OF DANVILLE, #06-1708, requests authorization to construct a 208' long by 40' wide two-lane, two-span bridge, with utilities, across Sandy Creek to provide vehicular access from Collins Drive to commercial property on the north side of Piedmont Drive in the City of Danville. Recommend our standard instream permit conditions.

2D. NAVAL FACILITIES ENGINEERING COMMAND, #06-0122, requests authorization to modify a Commission-authorized project to install one additional 50-foot by 5-foot finger pier to provide mooring for U.S. Navy security forces adjacent to federal property along the Southern Branch of the Elizabeth River in Portsmouth.

2E. COLLINS ENTERPRISES, LLC, #06-0677, requests authorization to construct two (2) C-shaped open-pile public pedestrian walkways, one 80-foot long by 5-foot wide and one 180-foot long by 5-foot wide, adjacent to their property situated along the Lafayette River in Norfolk. Staff recommends a royalty of \$1,430.00 for encroachment over 1,430 square feet of State-owned submerged lands at \$1.00 per square foot.

2F. WESTERN VIRGINIA REGIONAL JAIL AUTHORITY, #06-1412, requests authorization to install, using directional drilling, 80 linear feet of 6-inch natural gas line, 12-inch potable water line, and 8-inch forced sewer main under the Roanoke River in Salem.

2G. YORK COUNTY DEPARTMENT OF GENERAL SERVICES, #04-1406, requests a modification to a Commission-approved project for after-the-fact authorization to install three (3) 33-foot long board-type fender systems adjacent to the boat ramps at Roger Smith Landing located on the Poquoson River in York County.

2H. NORTHROP GRUMMAN NEWPORT NEWS SHIPBUILDING, #00-0583, requests a modification to their previously authorized VMRC permit #00-0583 to hydraulically dredge an additional 11,750 cubic yards of State-owned bottom material from the James River in Newport News from the area to the north of the entrance way to Dry Dock 12 to a new maximum depth of -35 feet MLW. Dredged material will be directly discharged via pipeline to Craney Island. Staff recommends a royalty of \$5,287.50 for the new dredging of 11,750 cubic yards of State-owned subaqueous bottom material at a rate of \$0.45 per cubic yard.

2I. KINDER MORGAN BULK TERMINALS, INC. #06-1602, requests authorization to construct a 63-foot by 90-foot extension to the previously authorized Pier IX deck apron which will frame into the existing turning dolphin at Pier IX at Kinder Morgan Bulk Terminals' property situated along the James River in Newport News.

2J. DICKENSON COUNTY BOARD OF SUPERVISORS, #05-0179, requests a permit modification to allow for the construction of two pedestrian clearspan bridges, measuring 5' by 66' and 5' by 30', across the Pound River and a third bridge across Cane Branch measuring 5' by 55' to facilitate construction of the Haysi-Breaks Trail in Dickenson County.

